



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
LANSING

DAN WYANT  
DIRECTOR

## **DETERMINATION OF ASH HOST PLANT NUISANCE AND PUBLIC NOTICE OF PROPOSED ERADICATION MEASURES**

### **Results of Public Hearing Held January 21-27, 2004**

February 9, 2004

**WHEREAS**, the Director of the Michigan Department of Agriculture (MDA), having found that an exotic pest, known as the emerald ash borer, Coleoptera: Buprestidae: *Agrilus planipennis*, has been detected in this state and has a limited distribution at this time; and

**WHEREAS**, the emerald ash borer has been found infesting and killing ash, *Fraxinus spp.* trees in certain counties and townships in Michigan; and

**WHEREAS**, ash trees are a valuable resource for the nursery, landscaping and timber industries in Michigan; and

**WHEREAS**, ash trees represent a significant component of the natural environment in Michigan; and

**WHEREAS**, the Director having determined that the emerald ash borer is a public nuisance as defined in section 18 of Act 189 of 1931; and

**WHEREAS**, the Director having determined that the ash tree is a host plant nuisance as defined in section 18 of Act 189 of 1931 which should be eradicated from this state where necessary to contain the spread of the emerald ash borer to safeguard other plants and plant products of the state consistent with the Emerald Ash Borer Eradication Strategy; and

**WHEREAS**, the MDA in partnership with other state and federal agencies has implemented a statewide eradication strategy to detect, contain and eradicate the emerald ash borer through various means including survey and subsequent removal of ash trees in emerald ash borer infested areas that are scheduled for eradication actions as part of the Emerald Ash Borer Eradication Strategy; and

**WHEREAS**, a public hearing having been conducted under section 20 of Act 189 of 1931, which was conducted in four sessions at four different locations of the state on January 21, 23, 26, 27, 2004; and

**WHEREAS**, the Director has reviewed all oral and written comments received during the public hearing process. Comments were provided by representatives of the Emerald Ash Borer Task Force, National EAB Science Advisory Panel, Michigan State University, National Plant Board, United States Department of Agriculture Animal Plant Health Inspection Service, other state and federal agencies, local elected officials, Canada Food Inspection Agency, private industry, and others including private citizens, providing overwhelming support for the eradication strategy that requires removal of all ash host material within a half mile from the last known EAB positive ash tree in sites scheduled for eradication actions by the Director; and

**WHEREAS**, the above mentioned groups indicated support for, and recognition that at the present time, ash tree removal consistent with the Emerald Ash Borer Eradication Strategy offers the optimum level of control of EAB with the least impact on the environment, thereby protecting the millions of ash trees in the state that could otherwise become infested by the continuing spread of the beetle; and

**WHEREAS**, after careful consideration of the testimony provided and information received, the Director having determined after the hearing that the ash tree must be eradicated in those instances where it is necessary to prevent the spread of the emerald ash borer;

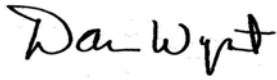
**NOW THEREFORE**, the Director of the MDA by the authority of Section 20 of Act 189 of 1931, The Insect Pest and Plant Disease Act, as amended, does give notice of this decision that removal of all ash host material within a half mile from the last known EAB positive ash tree in sites scheduled for an eradication action is necessary to control the spread of the emerald ash borer in a statewide effort to eradicate the emerald ash borer, which has been declared a nuisance under The Insect Pest and Plant Disease Act, Act 189 of 1931; on December 17, 2003 by the Determination of Host Plant Nuisance issued by the Director of the Michigan Department of Agriculture and that the eradication of the host plant shall begin on February 23, 2004 and continue until the nuisance is abated.

**DEFINITIONS:**

The following terms shall be construed to mean:

- (A) **DIRECTOR** means the Director of the MDA or his or her authorized representative.
- (B) **EMERALD ASH BORER ERADICATION STRATEGY** means the Emerald Ash Borer, Michigan Eradication Strategy, including any amendments, published by the Michigan Department of Agriculture, based on a comprehensive, integrated management plan developed by the Emerald Ash Borer Task Force, consistent with the recommendations of the National EAB Science Advisory Panel.

(C) **ERADICATION ACTION** means treatment and removal measures to control emerald ash borer and emerald ash borer host plants at a site scheduled by the Director.

A handwritten signature in black ink that reads "Dan Wyant". The signature is written in a cursive, slightly stylized font. The "D" is large and loops around the "an". The "Wyant" is written more quickly, with the "y" and "a" connected.

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**Dan Wyant, Director**

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**Date**